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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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David Pasquier

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EXAMINER

LIGHTFOOT, ELENA TSOY

ART UNIT

PAPER NUMBER

1792

NOTIFICATION DATE

DELIVERY MODE

12/24/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@mwzb.com

Advisory Action

The amendment filed on December 14, 2009 under 37 CFR 1.116 in reply to the final rejection has been considered but is not deemed to place the application in condition for allowance and will not be entered because: the proposed amendment combining limitations of **all** claims with exception of only three claims (claims 17-19) with limitations of claim 10 raises new issues since the proposed *new* combination of claimed features was not searched, examined and addressed in the Final Office Action mailed on September 16, 2009.

Response to Arguments

Applicant's arguments filed September 16, 2009 have been fully considered but they are not persuasive.

Applicants argue that Buckingham fails to teach the need for a compatibilizer in a material such as that of Pause, inasmuch as Buckingham is directed to an entirely different art area, and employs different components. Buckingham, directed to cosmetic and hair care preparations, employs a silicone fluid and silicone immiscible organic substances which are not phase change materials. For example, the Applicants teach organic oils or other "personal care ingredients." See paragraph [0049]. Moreover, the compatibilizer component (C) taught in Buckingham is the siloxane-based polyamide itself, which disclosure thus does not suggest using such resin in the materials of Pause where a siloxane is already present (as a cross-linking agent). In addition, Buckingham also accordingly does not suggest the present claims in which the polysiloxane resin does not function as a compatibilizer for the phase change material, but instead the present compatibilizer compatibilizes the polysiloxane resin and the phase change material itself. As a result, it is submitted that this combination of references fails to suggest the present claim 1. In addition, it is submitted that the particular compatibilizers recited in claims 17 and 18, vinyl compounds, and octadec-1-ene and allylbenzene, are not suggested by the Buckingham disclosure, which discloses, e.g., polysiloxanes as compatilizers. Indeed, the Buckingham disclosure of hair-care products is so far afield from either the primary reference or the present claims, that it is simply irrelevant. It is therefore respectfully submitted that the combination of references fails to suggest the present claims, and withdrawal of the rejection under 35 U.S.C. 103 is respectfully requested.

The Examiner respectfully disagrees with this argument. First of all, Buckingham et al is applied as **evidence** to support the fact that it is well known in the art that to use a

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compatibilizing agent to homogenize a mixture of components that are immiscible with each other. There is a special section of 1700 art unit dedicated to this subject at PTO. Second, the choice of a compatibilizer depends on the nature of immiscible components. One of ordinary skill in the art would never expect to use the same compatibilizer for completely different systems.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELENA Tsoy LIGHTFOOT whose telephone number is (571)272-1429. The examiner can normally be reached on Monday-Friday, 9:00AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Elena Tsoy Lightfoot, Ph.D.
Primary Examiner
Art Unit 1792

December 23, 2009

/Elena Tsoy Lightfoot/